

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
MARITEL, INC. and)	WT Docket No. 04-257
MOBEX NETWORK SERVICES, LLC)	RM-10743
)	
Petitions for Rule Making to Amend the)	NPRM released 7-3-04
Commission's Rules to Provide Additional)	
Flexibility for AMTS and VHF Public Coast)	
Station Licensees)	

Request to Extend Reply Comment Period

Warren Havens ("Havens"), Telesaurus Holdings GB, LLC ("THL"), Telesaurus-VPC, LLC ("TVL") and AMTS Consortium, LLC ("ACL") (together, the "Parties")¹ request that the period for replies be extended until 30 days past the grant of the TVL and ACL long forms submitted in the AMTS auction, Auction 57.²

The Parties do not seek to delay this proceeding with regard to VPC. However, regarding AMTS, this extension is needed to allow, after the conclusion of the Auction 57 licensing, the Parties, who will constitute the parties with the most interest (the most spectrum per geography and population) in this proceeding, to participate after they obtain their licenses. Only after they obtain their licenses can they justify the time and expense to fully consider the comments in this matter, and the NRPM, and formulate and submit their views.

¹ Havens holds licenses in both the Automated Maritime Telecommunications Service (AMTS) and VHF Public Coast Service (VPC). THL holds VPC licenses. TVL and ACL are each winning bidders and applicants for AMTS licenses from Auction no. 57. Havens is the President of THL, TVL, and ACL.

² The Parties submitted on ECFS reply comments but were not able to study well all of the comments and formulate and complete their reply.

It is inappropriate to proceed with rulemaking in a radio service during the principal, geographic licensing process of that radio service, since the geographic licensees who will be the principal subject of the changed rules are not yet determined. The geographic licenses that will result from AMTS 57 are the principal subject since they contain the most geography and population in relation to the incumbent licenses, and the incumbent licenses revert to the geographic licenses if they are terminated or cancelled (§80.385(c)).

In addition, during the comment and reply period, Auction 57 matters have occupied much of the time of the Parties including responding to frivolous successive attempts by Mobex and Paging Systems Inc. (“PSI”) to exclude the Parties from the auction and rescind the auction).³ The Parties have had insufficient time to review the comments and formulate and present their reply comments. Although they submit at about this time reply comments on one important matter, they need and request more time to reply.

This request should also be granted since, as noted in the reply comments of the Parties (and their amended reply comments to be submitted), some proposed changes are contrary to the interests of the new geographic licensees (at least the Parties, who are high bidders for all but two of the geographic licenses sold in Auction 57). As noted above, the Auction 57 licensing should first be completed, and then the resultant licensees have the basis for expending time and costs on well-considered replies.

In addition, Mobex, who is one of two entities requesting rule changes subject of this proceeding, and the only AMTS licensee so requesting, did not qualify for Auction 57 which demonstrates its lack of capability and/or interest in AMTS. There is no sound basis for

³ Their long forms were placed on Public Notice as acceptable for filing only this week due to delays by the Bureau which were explained to the Parties as related to the PSI’ filings just noted and due other matters not the fault of the Parties.

proceeding with rule changes for Mobex and at the expense of the Parties. PSI, who supports rule changes, qualified to bid and bid for only one license in Auction 57, and then petitioned to rescind the entire auction including its own participation.⁴ This also shows lack of interest in AMTS, as well as an abuse of Commission process.

Thus, the requested extension should be granted, at least with regard to AMTS.

Respectfully,

Warren Havens

For himself,
And as President of:
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⁴ See In the Matter of Applications for VPC. . . MO&O, DA 99-962, Released May 19, 1999. Maritel sought basically the same thing in the first VPC auction as does PSI seeks in this Auction 57. Each sought to rescind and redo the auction excluding the competition. In denying the Maritel request, the Commission found:

. . . the Commission's Rules provide a different remedy for an applicant who no longer wants its application granted -- requesting that the application be dismissed. Thus, to the extent that the Petition sought denial of MariTEL's long-form application, we find it not only procedurally deficient and inconsistent with the Commission's Rules but bordering on an abuse of process. . . . We see some merit to Havens' suggestion that MariTEL should be sanctioned for its actions. . . .